wherein A is nitrogen or N→ O, R_1 and R_2 are individually selected from the group consisting of hydrogen and alkyl of 1 to 18 carbon atoms, R is $-(CH_2)_mOB$, Hal is halogen, m and n are individually an integer from 1 to 8, B is hydrogen or $\begin{matrix}O\\\|\\C\text{-}Ar\end{matrix}$ or $-(CH_2)_n$-Ar, Ar is a mono- or polycyclic aryl or heteroaryl, Z is hydrogen or acyl of an organic carboxylic acid of up to 18 carbon atoms and its non-toxic, pharmaceutically acceptable acid addition salts.

Claim 7 (twice amended) A compound of claim 1 which is (3aS4R*, 7S*, 9R*, 10R*, 11R*, 13R*, 15R*, 15aR*, 18S*)-4-ethyl-7-fluoro-3a,4,10,11,12,13,15,15a-octahydro-18-(hydroxymethyl)-11-methoxy-3a,7,9,11,13,15-hexamethyl-10-[[3,4,6-trideoxy-3-(dimethylamino)-.beta.-D-xylo-hexopyranosyl]oxy]-14,1-(nitriloethano)-2H-oxacyclotetradecino[4,3-d]oxazole-2,6,8(7H,9H)-trione.

REMARKS

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 1 to 4 and 6 to 13. It is noted that claims 6 and 13 have been indicated as being drawn to allowable subject matter.

Claims 1 to 4 and 7 to 11 remain rejected under 35 USC 112,

second paragraph, for reasons of record. The Examiner points out that there was an unmatched parenthesis in claim 7 and that there was an inconsistency in the definition of B. The Examiner further noted that there were typographical errors in the definition in the naming of the compounds.

Applicants respectfully traverse these grounds of rejection since the amended claims are believed to properly define the invention. The missing parenthesis has been inserted into claim 7 and the first compound of claim 7 has been deleted. In addition, the definition of B has been corrected in claim 1 and the deficiencies in the naming of the second compound of claim 7 has been corrected. The Examiner's kind suggestions are appreciated. Therefore, the amended claims comply with 35 USC 112 and withdrawal of these grounds of rejection is requested.

Claims 7, 9 and 11 stand rejected under 35 USC 102 as being anticipated by the Phan reference since the first compound of claim 7 read upon R as being hydrogen.

Applicants respectfully traverse this ground of rejection since the present claim 7 does not include the compound wherein R was hydrogen. Therefore, it is believed that the reference neither anticipates nor renders obvious these claims in view of the remarks set forth in the last response. Therefore, withdrawal of this ground of rejection is requested.

B

New pages 5 and 6 are submitted herewith to make clear that the bond is not linked to ring and to add R_2 and R_3 to formulae IV and V.

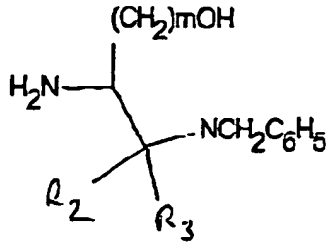
In view of the amendments to the claims and the above remarks, favorable reconsideration of the application is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

By: 
Charles A. Muserlian #19,683
Attorney for Applicants
Tel.# (212) 661-8000

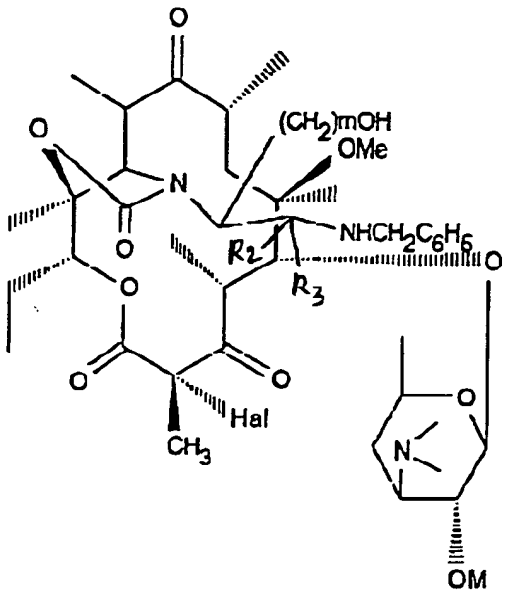
CAM:ds
Enclosures

B



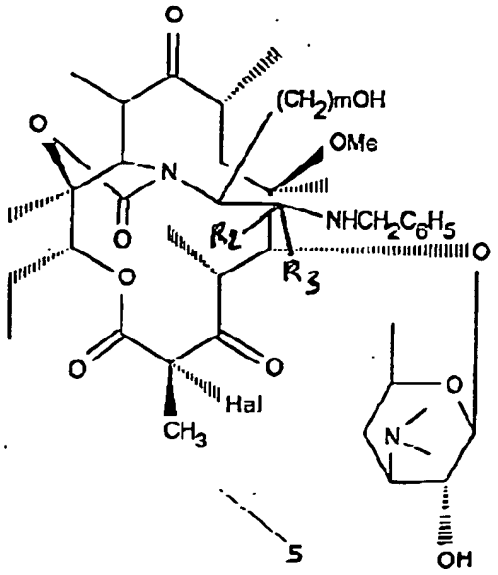
III

wherein m is an integer from 1 to 8 to obtain a compound of the formula



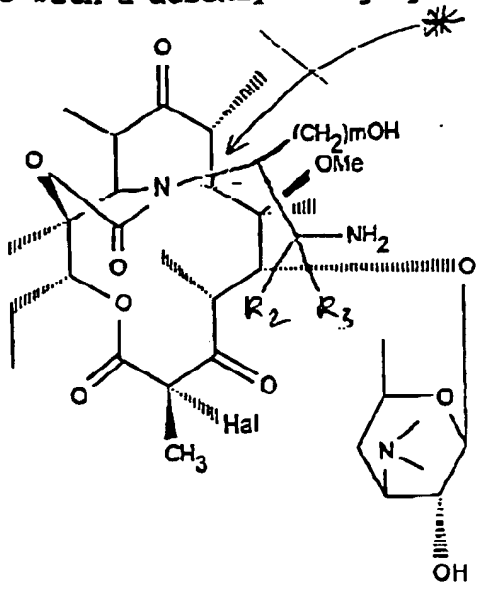
IV

deprotecting the 2'-hydroxyl to obtain a compound of the formula



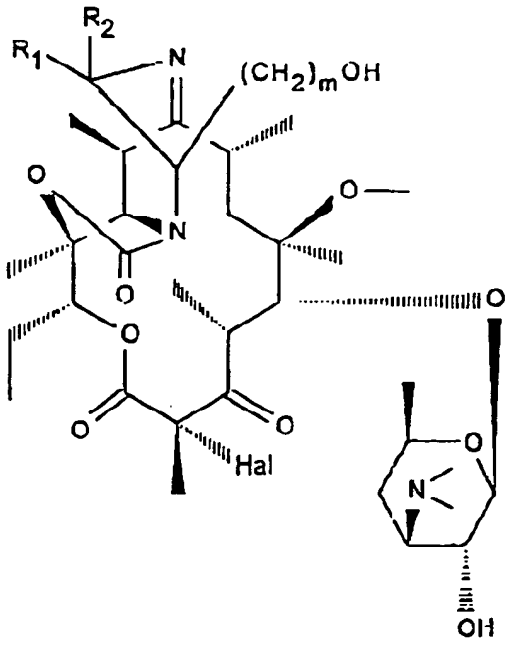
V

reacting the latter with a debenzylating agent to obtain a compound of the formula



VI

reacting the latter with a cyclization agent to form a compound of the formula



IA

MARKED UP VERSION OF CLAIMS

146.1327

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : B. Coleman
AGOURIDAS et al :
Serial No.: 09/416,022 : Group: 1624
Filed: October 8, 1999 :
For: 2-HALOGENATED...ANTIBIOTIC USE:

600 Third Avenue
New York N.Y. 10016
April 2, 2001

AMENDMENT

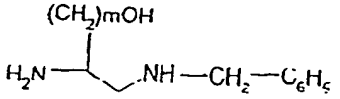
Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the office action of January 9, 2001, please this application as follows:

IN THE SPECIFICATION:

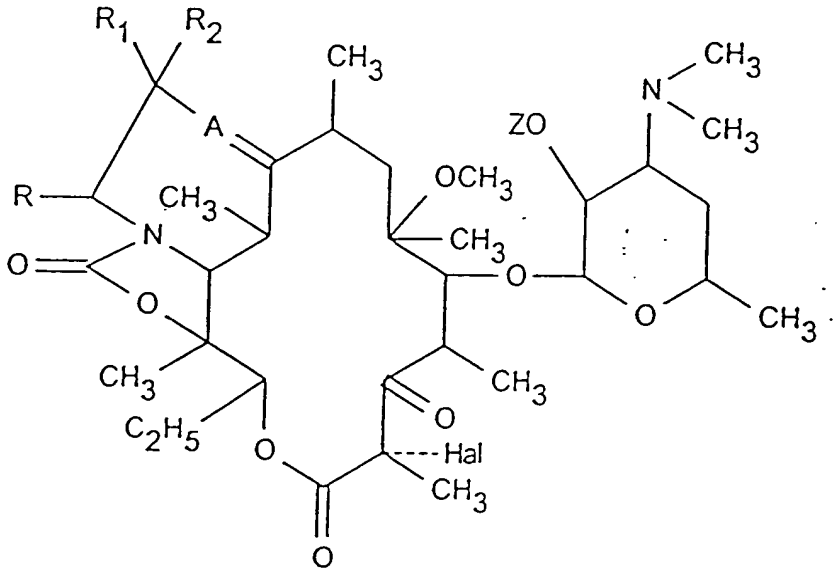
Page 5, change line 1 to



IN THE CLAIMS:

Renumber page 1 to 8 of the claims as --pages 26 to 33--

Claim 1 (amended) A compound selected from the group consisting of the formula



I

wherein A is nitrogen or N→ O, R_1 and R_2 are individually selected from the group consisting of hydrogen and alkyl of 1 to 18 carbon atoms, R is $-(CH_2)_mOB$, Hal is halogen, m and n are individually an integer from 1 to 8, B is hydrogen or $\overset{O}{\overset{\|}{C}}-Ar_2$ or $-(CH_2)_n-Ar$, Ar is a mono- or polycyclic aryl or heteroaryl, Z is hydrogen or acyl of an organic carboxylic acid of up to 18 carbon atoms and its non-toxic, pharmaceutically acceptable acid addition salts.

Cancel claim 5.

Claim 7 (amended) A compound of claim 1 which is selected from the group consisting of [3aS-(3aR*, 4S*, 7R*, 9S*, 10S*, 11S*, 13S*, 15S*, 15aS*)]-4-ethyl-7-fluoro-3a, 4, 10, 11, 12, 13, 15, 15a-octahydro-11-methoxy-3a, 7, 9, 11, 13, 15-hexamethyl-10-[[3,4,6-trideoxy-3-(dimethyl-amino)-.beta.-D-xylo-hexopyranosyl]oxy]-14,1-(nitriloethano)-2H-oxacyclotetradecino[4,3-d]oxazole-2,6,8(9H)-trione and [3aS-(3aR*, 4S*, 7R*, 9S*, 10S*, 11S*, 13R*, 15S*, 15aS*, 17S*)]-4-ethyl-7-fluoro-3a,4,10,11,12,13,15,15a-octahydro-(18-hydroxymethyl)-11-methoxy-3a,7,9,11,13,15-hexamethyl-10-[[3,4,6-trideoxy-3-(dimethylamino)-.beta.-D-xylohexopyranosyl]oxy]-14,1-(nitriloethano)-2H-oxacyclotetradecino[4,3-d]oxazole-2,6,8(9H)-trione.

Claim 10 (amended) A method of treating bacterial infections in warm-blooded animals comprising administering to warm-blooded animals in need thereof an antibiotically effective amount of a compound of claim 1.

Claim 11 (amended) A method of treating bacterial infections